

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 21, 2005**

Court convened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California, 92701. Panel members are Rylaarsdam, Acting P.J., Moore, J., and Fybel, J. A. Cajigal, Deputy Clerk attending.

G034437 CAL WEST NURSERIES, INC.
 v.
 ORANGE COUNTY SUPERIOR COURT;
 A.J. WEST RANCH

Merits. Cause called. Michael F. Long argued for petitioner. Raul L. Martinez argued for real party in interest. Cause submitted.

G032371 R & B AUTO CENTER INC.
 v.
 FARMERS GROUP, INC. et al.

Merits. Cause called. Michael G. Dawe argued for appellant. Jason R. Litt argued for respondent Truck Insurance Exchange. Todd A. Picker argued for respondents Farmers Group, Inc. and Truck Underwriters. Cause submitted.

G034049 KOOKMIN BANK et al.
 v.
 ORANGE COUNTY SUPERIOR COURT;
 PRINCETON GRAPHIC SYSTEMS, INC.

Merits. Cause called. Devin A. McRae argued for petitioners. Leslie M. Werlin argued for real party in interest. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 21, 2005 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California, 92701. Panel members are Rylaarsdam, Acting P.J., Bedsworth, J., and Moore, J. A. Cajigal, Deputy Clerk attending.

G033803 DAVID LEIJA
 v.
 PACIFIC EARTHWORKS, INC.

Merits. Cause called. Edward J. Horowitz argued for appellant. Edward M. Picozzi argued for respondent. Cause submitted.

G034236 NAVON VANCE
 v.
 JOAN SINCOKE et al.

Merits. Cause called. Marjorie G. Fuller argued for appellant. E. Gary Smith argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 21, 2005 (Cont'd)**

G032405 THE PEOPLE Not for publication
 v.
 JOSHUA EDWARD LOPEZ

Opinion filed. Judgment affirmed in part, reversed in part and remanded.
Bedsworth, Acting P.J.

We concur: Aronson, J.
 Fybel, J.

G033761 MARINA ARIAS Certified for publication
 v.
 KATELLA TOWNHOUSE
 HOMEOWNERS ASSOCIATION, INC.

Opinion filed. Postjudgment orders affirmed.

Fybel, J.

We concur: Rylaarsdam, Acting P.J.
 Moore, J.

G033819 JAMES LESTER WILLIAMSON
 v.
 ROBERT LINCOLN MEAD et al.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G034348 ERIK CHRISTOPHER
 v.
 OMAR J. GONZALES, et al.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 21, 2005 (Cont'd)**

G034810 THE PEOPLE
 v.
 ALFONSO CAZAREZ

Order filed. Appellant having filed an abandonment of appeal in this court, the appeal is dismissed. (Cal. Rules of Court, rule 30.3.) The clerk of this court is directed to issue the remittitur forthwith.

Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 22, 2005**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California, 92701. Panel members are Sills, P.J., Aronson, J., and Ikola, J. M. Urena, Deputy Clerk attending.

G032767 THE PEOPLE
 v.
 TRENTON M. VECHEs

Merits. Cause called. William J. Kopeny argued for appellant. Susan Miller, Deputy Attorney General argued for respondent. Appellant to file a supplemental letter brief by 4:00 p.m. on March 30, 2005. Respondent may file a supplemental letter brief by 4:00 p.m. on April 8, 2005. Cause to be submitted on April 8, 2005.

G033273 THE PEOPLE
 v.
 ROSIE GRIEGO

Merits. Cause called. Carmela Simoncini argued for appellant. N. Peter O’Leary, certified law student argued for respondent. Scott C. Taylor, Supervising Deputy Attorney General present for respondent. Cause submitted.

G033001 THE PEOPLE
 v.
 ROBERT C. NAKAYA

Merits. Cause called. William J. Kopeny argued for appellant. Scott C. Taylor, Deputy Attorney General argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 22, 2005 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California, 92701. Panel members are Rylaarsdam, Acting P.J., Moore, J., and Fybel, J. M. Urena, Deputy Clerk attending.

G033277 THE PEOPLE
G034089 v.
 HOSSEIN J. HAGHIGHI

Merits. Cause called. Anita P. Jog argued for appellant. Kelley Johnson, Deputy Attorney General argued for respondent. Cause submitted.

G033762 THE PEOPLE
 v.
 MASON G. MILLER

Merits. Cause called. David K. Rankin argued for appellant. Garry Haehnle, Deputy Attorney General argued for respondent. Respondent to file a supplemental letter brief by 4:00 p.m. on April 8, 2005. Appellant to file a supplemental letter brief by 4:00 p.m. on April 22, 2005. Respondent may file a reply by April 29, 2005. Cause to be submitted on April 29, 2005.

G034390 THE PEOPLE
 v.
 EDWARD F. GALLARDO

Merits. Cause called. Brian F. Fitzpatrick present for appellant. Gerald J. Miller made no appearance for respondent. Pursuant to a telephone conversation with counsel Gerald J. Miller, he stated he had miscalendared the oral argument and would like oral argument to be continued. Justice Rylaarsdam, Acting Presiding Justice continued oral argument to a date and time this same panel will be in session.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 22, 2005 (Cont'd)**

G032834 THE PEOPLE
 v.
 MELVIN L. NEIGHBORS

Merits. Cause called. Stephen M. Lathrop argued for appellant. David Delgado-Rucci, Deputy Attorney General argued for respondent. Cause submitted.

G032983 THE PEOPLE
 v.
 JAMES P. BELL

Merits. Cause called. Richard P. Herman present for appellant and requested to withdraw appellant's appeal. Scott Taylor, Deputy Attorney General present for respondent. Appellant's motion to withdraw appeal is denied. Cause submitted.

G032416 THE PEOPLE
 v.
 CARLOS ECHEVERRIA

Merits. Cause called. Michael I. Garey argued for appellant. Quisteen Shum, Deputy Attorney General argued for respondent. Cause submitted.

G032933 THE PEOPLE
 v.
 JAMES MICHAEL YANCY

Merits. Cause called. Richard Weinthal argued for appellant. Felicity Senoski, Deputy Attorney General argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 22, 2005 (Cont'd)**

G033095 MADISON SQUARES ANAHEIM HLLS
 v.
 S&J ELECTRIC, et al.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G033163 THE PEOPLE
 v.
 DONELL ENGLISH

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G033190 THE PEOPLE
 v.
 DOUGLAS LEE HOPPER

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G033247 THE PEOPLE
 v.
 DUOC VAN NGUYEN et al.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G033278 EDITH L. SPLAIN
 v.
 BARBARA T. HOGARD

Not for publication

Opinion filed. Judgment affirmed.

Ikola, J.

We concur: Sills, P.J.
 Aronson, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 22, 2005 (Cont'd)**

G033350 CAROL GREGUREK
 v.
 ROLAND GILBERT FABBRIE

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G033461 ANTONIO MEDINA et al.
 v.
 BANK OF THE WEST et al.

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G033535 THE PEOPLE
 v.
 FRANK GREGORY HORNE

Not for publication

Opinion filed. Judgment affirmed.

Aronson, J.

We concur: O'Leary, Acting P.J.
 Ikola, J.

G033574 THE PEOPLE
 v.
 DOUGLAS LEE HOPPER

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 22, 2005 (Cont'd)**

G033640 G033944	JOCELYN MOSTAJO et al v. ANCHOR GENERAL INSURANCE COMPANY; KARA RYAN	Not for publication
	Opinion filed. Appeals dismissed.	
	We concur: Bedsworth, J. Moore, J.	Rylaarsdam, Acting P.J.
G033644	ANTONIO MEDINA et al. v. DOWNEY SAVING & LOAN ASSOCIATION	
	Order filed. The above entitled cause is ordered submitted this date.	Sills, P.J.
G033725	THE PEOPLE v. SERGIO ARTURO VIVEROS et al.	
	Order filed. The above entitled cause is ordered submitted this date.	Sills, P.J.
G033819	JAMES LESTER WILLIAMSON v. RALPHS GROCERY COMPANY et al.	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Bedsworth, J. Moore, J.	Rylaarsdam, Acting P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 22, 2005 (Cont'd)**

G034007 AEGIS SECURITY INSURANCE
 COMPANY
 v.
 COUNTY OF ORANGE

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G034023 COUNTY OF ORANGE
 v.
 SENECA INSURANCE COMPANY

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G034062 SHELLIE MARTIN
 v.
 COUNTY OF ORANGE

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G034062 SHELLIE MARTIN
 v.
 STEVEN M. ARTENIAN;
 ORANGE COUNTY DEPARTMENT
 OF CHILD SUPPORT SERVICES

Not for publication

Opinion filed. Order reversed.

Rylaarsdam, Acting P.J.

We concur: Bedsworth, J.
 Fybel, J.

G034136 THE PEOPLE
v.
RAYMOND LOPEZ VARELAS

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G034139 ARIEH COHEN Not for publication
v.
ANNA COHEN

Opinion filed. Judgment affirmed.

Rylaarsdam, Acting P.J.

We concur: Bedsworth, J.
Fybel, J.

G034164 TARLOCHAN SINGH
v.
BALWINDER SINGH DHALIWAL

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G034166	THE PEOPLE v. CHARLES ALVA LAMBERT	Not for publication
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Opinion filed. Judgment affirmed.

Fybel, J.

We concur: Rylaarsdam, Acting P.J.
Moore, J.

Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 23, 2005**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California, 92701. Panel members are Sills, P.J., Aronson, J., and Ikola, J. D. Orlando, Deputy Clerk attending.

G033936 MICHAEL R. BODKIN
 v.
 DIOCESE OF ORANGE et al.

Merits. Cause Called. Russell J. Thomas argued for appellant. Albert P. Ballog argued for respondents. Cause submitted.

G033413 THE BALBOA BAY CLUB, INC.
 v.
 JOHN HOWARD, AS TRUSTEE

Merits. Cause Called. James E. Loveder argued for appellant and cross-respondent. Edwin Paul argued for respondent and cross-appellant. Cause submitted.

G033901 WORD OF GOD FELLOWSHIP, INC. et al.
 v.
 COAST COMMUNITY COLLEGE DISTRICT et al.

Merits. Cause Called. Richard L. Sherman argued for appellant. Milford W. Dahl argued for respondent Coast Community College District. Scott A. Carpenter argued for respondent KOCE TV Foundation. Cause submitted.

G034143 PHILIP BUTERFIELD et al.
 v.
 CALIFORNIA COASTAL COMMISSION

Merits. Cause called. Jamee Jordan Patterson argued for appellant and cross-respondent. J. David Breemer argued for respondent and cross-appellant. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 23, 2005 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California, 92701. Panel members are Sills, P.J., O'Leary, J., and Aronson, J. D. Orlando, Deputy Clerk attending.

G033617 DANIEL P. CARR
 v.
 MICHAEL D. FOWLKES

Merits. Cause called. Appellant Daniel P. Carr argued on his own behalf. Robert M. Dato argued for respondent. Cause submitted.

G033493 MARGARET GIL
 v.
 SANTA ANA UNIFIED
 SCHOOL DISTRICT et al.

Merits. Cause called. A. J. Pyka argued for appellant. John R. Hanson argued for respondents. Cause submitted.

G033886 AMEN WARDY
G034096 v.
 PETER OCHS et al.

Merits. Cause called. Daniel A. Nordberg argued for appellant. Jame P. Mascaro argued for respondent Amen Wardy. Bruce R. Kermott argued for respondent Corona Highlands Property Owners Association. Cause submitted.

G034162 AMEN WARDY
 v.
 PETER OCHS et al.

Merits. Cause called. Daniel A. Nordberg argued for appellant. Jame P. Mascaro argued for respondent Amen Wardy. Bruce R. Kermott argued for respondent Corona Highlands Property Owners Association. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 23, 2005 (Cont'd)**

G031077 THE PEOPLE
 v.
 JOHN W.

Order vacating submission and requesting further briefing.

Sills, P.J.

We concur: Rylaarsdam, J.
 O'Leary, J.

G033291 ANTONIO MEDINA PUERTA
 v.
 FEINBERG, MINDEL, BRANDT &
 KLINE, LLP et al.

Order filed. The above entitled cause is ordered submitted this date.

Sills, P.J.

G033810 GLENN DAVIS et al.
 v.
 DAVID HAMEDANY

Not for publication

G034728 In re DAVID HAMEDANY
 On
 Habeas Corpus.

Opinion filed. Judgment affirmed.

Moore, J.

We concur: Rylaarsdam, Acting P.J.
 Fybel, J.

G033990 THE PEOPLE
 v.
 KENNETH WAYNE DRYDEN

Order filed. The above entitled cause is ordered submitted this date.

Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 23, 2005 (Cont'd)**

G034225 THE PEOPLE
v.
FERNANDO AUGUSTO FLORES

Not for publication

Opinion filed. Judgment affirmed.

We concur: Bedsworth, J.
 Fybel, J.

Rylaarsdam, Acting P.J.

G034627 THE PEOPLE
v.
AL LAGUNA

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 24, 2005**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California, 92701. Panel members are O'Leary, Acting P.J., Aronson, J., and Ikola, J. M. Urena, Deputy Clerk attending.

G033804 LEE WILLIAM DEVELOPMENT CORP. et al.
 v.
 JANICE CHALKER et al.

Merits. Cause called. Nolan E. Clark argued for appellants. Benjamin P. Pugh argued for respondents. Cause submitted.

G034979 SHERRY D.
 v.
 ORANGE COUNTY SUPERIOR COURT;
 SOCIAL SERVICES AGENCY

Merits. Cause called. Paul De Quattro, Deputy Public Defender argued for petitioner. Saul Reyes, Deputy County Counsel argued for real party in interest. Lawrence A. Aufill argued for the minor. Cause to be submitted on April 4, 2005.

G034095 DAVID McCULLOCH
 v.
 MEDICAL CAPITAL HOLDINGS INC. et al.

Merits. Cause called. Karin D. Vogel argued for appellants. Stuart A. Katz argued for respondent. Cause submitted.

G033119 THE PEOPLE
 v.
 LENARD L. RHODES

Merits. Cause called. Stephen M. Lathrop argued for appellant. Garry G. Haehnle, Deputy Attorney General argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 24, 2005 (Cont'd)**

G035013 THE CUSTODIAN OF RECORDS FOR THE
SANTA ANA POLICE DEPARTMENT
v.
ORANGE COUNTY SUPERIOR COURT;
RAUL ABARCA

Merits. Cause called. Lorena C. Penaloza, Assistant City Attorney argued for petitioner. Donald E. Landis, Jr., Deputy Public Defender argued for real party in interest. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 24, 2005 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California, 92701. Panel members are Sills, P.J., O'Leary, J., and Ikola, J. M. Urena, Deputy Clerk attending.

G032727 FRANCIS McCAN
 v.
 LUCKY MONEY et al.

Merits. Cause called. J. David Franklin waived oral argument for appellant. Tiffany Rystrom argued for respondents Lucky Money Inc. et al. Julianna J. Keaton argued for respondent International Money Transmissions Systems. Michael Harris argued for respondent Vigo Remittance Corp. Cause submitted.

G033303 NINA HARO
G033934 v.
 MAZHAR H. CHOUDHURY

Merits. Cause called. Marjorie G. Fuller argued for appellant. Brian G. Saylin argued for respondent. Cause submitted.

G033608 SHAOPING CORDER
 v.
 LISA R. CORDER

Merits. Cause called. John C. Heubeck argued for appellant. Ronald E. Harrington argued for respondent. Cause submitted.

G034014 CONCERNED CITIZENS OF LA HABRA et al.
 v.
 CITY OF LA HABRA et al.

Merits. Cause called. Stephen M. Miles argued for appellants. Kimberly H. Barlow argued for respondents. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 24, 2005 (Cont'd)**

G032447 DON PETERS
 v.
 RONALD W. LANE

Merits. Cause called. Robert S. Lewin argued for appellant. Donna Bader argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 24, 2005 (Cont'd)**

G031928 JOSHUA L. FREY et al. Certified for publication
 v.
 TRANS UNION CORPORATION

Opinion filed. Order reversed in part and affirmed in part. Remanded with directions.

Fybel, J.

G032915 ALFRED SKISTIMAS Certified for publication
 v.
 OLD WORLD OWNERS ASSOCIATION et al.

Order directing partial publication of opinion; no change in judgment.

Sills, P.J.

We concur: O'Leary, J.
 Moore, J.

G032948 THE PEOPLE Not for publication
 v.
 HA VAN NGUYEN

Opinion filed. Judgment reversed and remanded for resentencing.

Aronson, J.

We concur: Bedsworth, Acting P.J.
 O'Leary, J.

G033538 THE PEOPLE Not for publication
 v.
 TIMOTHY CURTIS DEWITT

Opinion filed. Judgment affirmed.

Rylaarsdam, Acting P.J.

We concur: Bedsworth, J.
 Moore, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 24, 2005 (Cont'd)**

G033659 THE PEOPLE Not for publication
 v.
 SEUNG BUM YANG

Opinion filed. Judgment affirmed in part, reversed in part and remanded.
Moore, J.

We concur: O'Leary, Acting P.J.
Fybel, J.

G034108 THE REGENTS OF THE UNIVERSITY Not for publication
 OF CALIFORNIA et al.
 v.
 MARK G. BENFORD, as Executor and Personal
 Representative, etc., et al.

Opinion filed. Judgment affirmed.

Aronson, J.

We concur: O'Leary, Acting P.J.
Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 25, 2005**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California, 92701. Panel members are Bedsworth Acting P.J., Moore, J., and Fybel, J. M. Urena, Deputy Clerk attending.

G032974 HAROLD FELDMAN et al.
 v.
 SEA POINTE ESTATES HOMEOWNERS ASSN.

Merits. Cause called. Counsel for respondent handed the courtroom clerk a fax copy of appellant's request for dismissal before commencing oral argument. Patrick E. Catalano made no appearance for appellants. Theodore Howard present for respondent and stated matter has settled. Appellant has until March 30, 2005, to file an original request for dismissal. If a request for dismissal is not filed by March 30, 2005, the opinion will be filed.

G031587 HAROLD FELDMAN et al.
 v.
 CITY OF SAN CLEMENTE

Merits. Cause called. Counsel for respondent handed the courtroom clerk a fax copy of appellant's request for dismissal before commencing oral argument. Patrick E. Catalano made no appearance for appellants. Karen E. Walter present for respondent and stated matter has settled. Appellant has until March 30, 2005, to file an original request for dismissal. If a request for dismissal is not filed by March 30, 2005, the opinion will be filed.

G034038 DIANE TUCKER
 v.
 AT&T WIRELESS SERVICES, INC.

Merits. Cause called. G. Charles Nierlich argued for appellant. Alexander M. Schach made a special appearance for attorney J. David Franklin for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 25, 2005 (Cont'd)**

G033845 MOBILE RITZ, L.P.
 v.
 REX R. LONG

Merits. Cause called. John H. Pentecost argued for appellant. Annabelle M. Harris argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
March 25, 2005 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California, 92701. Panel members are Rylaarsdam, Acting P.J., Bedsworth, J., and Fybel, J. M. Urena, Deputy Clerk attending.

G034044 SYCAMORE GARDENS HOMEOWNERS ASSN.
 v.
 CITY OF TUSTIN

Merits. Cause called. Stephen D. McNamara argued for appellant. Bradley R. Hogin argued for City of Tustin. Cause submitted.

G033553 RYAN M. DENNIS
 v.
 KIMBERLY A. DENNIS

Merits. Cause called. Lawrence P. Bellomo argued for appellant. Diane J. Marlowe argued for respondent. Cause submitted.

G033434 TERRY M. GILES
G033635 v.
 STEPHEN A. KOLODNY et al.

Merits. Cause called. Larry R. Feldman argued for appellants. Jonathan A. Michaels argued for respondent. Cause submitted.

Court declared a recess.

G033010 THE PEOPLE
v.
ANGEL ANDREW GUTIERREZ

G033273	THE PEOPLE v. ROSIE GRIEGO	Not for publication
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We concur: Sills, P.J.
Ikola, J.

G033547 THE PEOPLE Not for publication
v.
JOSEPH WESLEY VANDEWEERD

We concur: Sills, P.J.
O’Leary, J.